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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
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www.uspto.gov

MAIL

DANIEL P. MAGUIRE
423 E ST.
DAVIS CA 95616

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Matthijs P. Smits, et al.
Serial No.: 09/479,548
Filed: January 7, 2000
For: **HEARING EVALUATION DEVICE WITH
NOISE DETECTION AND EVALUATION
CAPABILITY**

**DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on April 8, 2004 setting a shortened statutory period for filing a reply. In response thereto, an amendment was filed on July 12, 2004. On October 25, 2004, the Office mailed a Notice of Non-Compliant Amendment which set a one month time period to respond. Within the Notice, extensions of time were indicated as being permitted under 37 C.F.R. §1.136(a). On January 21, 2005 Applicant filed a petition for two months extension of time and a new amendment. In an apparent oversight of the fact that extensions of time were permitted, the Office held the subject application abandoned. A Notice of Abandonment was mailed on January 21, 2005.

Although no petition or request to withdraw the holding of abandonment has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending status in view of the fact that an amendment along with a petition for two months extension of time, were timely filed on January 25, 2005. Any inconvenience to the applicant is regretted.

The application is being forwarded to the examiner for appropriate action in due course.

Dwayne Bost
Special Programs Examiner
Technology Center 2600
Communications
(703) 305-4778